Supreme Court, U.S.
FILED
NOV 27 1985
JOSEPH F. SPANIOL, JR.
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No. 85-228

IN THE

Supreme Court of the United States

OCTOBER TERM, 1985

LINDA LASSITER-GEERS,
Petitioner,

v.

GEORGE RICHARD REICHENBACH,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

PETITIONER'S REPLY BRIEF

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November 26, 1985

The Daily Record Co., Baltimore, MD 21202

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Respondent contends that "Petitioner does not attack the standard of review used by the Maryland Court of Appeals as being incorrect, unlawful or inappropriate." (Brief in Opp., p. 6.) That statement is wrong; Petitioner expressly contends that the standard employed by the

Court of Appeals unconstitutionally discriminates against women.

Although the Court of Appeals stated that it was applying "the best interests of the child" test, the most cursory examination of its opinion clearly reveals that the Court grafted on to that test a standard which could only be met by giving the child the father's name. Thus, the only reason advanced by the Court for its decision to give the child her father's name was the likelihood that, if she did not bear her father's name, "a lot of people may well infer this child was born out of wedlock," an inference which would be "embarassing" for the child. (Petition, pp. 17-18.) Obviously, under that ruling, no mother will ever be able to give her surname to her child.

Palmore v. Sidoti, ___ U.S. ____, 104 S. Ct. 1879 (1984), teaches that a

"best interests" invocation cannot disguise an unconstitutional preference. Because the Court's decision unconstitutionally discriminates against women, Petitioner prays that her Petition be granted.

Respectfully submitted,

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